HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2266 OF 2007.

Kattamreddy Pattabhiram Venkatram Reddy. ..Petitioner.

Versus.

The State of Maharashtra & Anr. ..Respondents.

Mr. Shirish Gupte a/w Mr. S. B. Rao for the petitioner.

Mr. A. R. Patil, APP for the State.

CORAM: S. B. MHASE &
D. B. BHOSALE, JJ.
DATE: DECEMBER 14, 2007.

P.C.

1. We have heard the learned Senior Counsel Mr. Shirish Gupte and learned APP for the State.

2. Mr. Gupte submits that he has instructions not to press prayer clause (a) in the petition and submits that the petitioner would be satisfied if FIR bearing No. 659/2007 registered with Deccan Police Station, Pune and a private complaint lodged by the present petitioner which is directed to be investigated through the Kotharud Police station under section 156(3) of the Code of Criminal Procedure, 1973 by the learned Magistrate are clubbed together and are investigated by the Deccan Police Station. This prayer has not been opposed by the learned APP for the State.

3. Considering the overall facts and circumstances of the case and nature of allegations made in the FIR as well as in the private complaint made by the petitioner, we are satisfied that the FIR bearing No. 659 of 2007 and the private complaint bearing CC. No. P-0404083 of 2007 should be clubbed together. We, therefore, direct to club together the aforesaid FIR and the private complaint and hereby direct the Deccan Police Station to investigate the FIR as well as the private complaint filed by the petitioner bearing No. P-0404083 of 2007.

4. Needless to express that the officer carrying out the investigation in pursuance of the order passed by the Magistrate in the private complaint filed by the petitioner shall transfer the papers of investigation to the Deccan Police Station.

5. The petitioner has, so far, been not arrested. If the Deccan Police Station intend to arrest the present petitioner, they shall give 48 hours notice to the petitioner. With these observations writ petition is disposed of.

(D.B.BHOSALE, J.) **(S.B.MHASE, J.)**

:sachin/2007/vkt/..